

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 7
)	
Winstar Communications, Inc., <i>et al.</i> ,)	Bankr. Case No. 01-01430 (KJC)
)	
Debtor.)	
)	
)	
Christine C. Shubert.)	Civil Action No. 06-147 (JJF)
Chapter 7 Trustee,)	
)	Adv. Proc. No. 01-01063 (KJC)
Plaintiff-Appellee,)	
)	
v.)	
)	
Lucent Technologies Inc.,)	
)	
Defendant-Appellant.)	

**MOTION OF THE COMMERCIAL FINANCE ASSOCIATION TO WITHDRAW
ITS MOTION TO FILE A BRIEF AS AMICUS CURIAE**

The Commercial Finance Association (“CFA”), through its undersigned counsel, hereby submits its motion to withdraw (the “Motion to Withdraw”) its Motion to File a Brief as Amicus Curiae and respectfully states as follows:

1. The CFA is the national trade association for financial institutions that provide asset-based financing and factoring services to commercial borrowers. Among CFA’s over 240 members of CFA are substantially all of the major money-center and regional banks and other large and small commercial lenders. Financing by CFA members comprises a substantial portion of the United States credit market, exceeding \$350 billion in outstanding loans, and with revolving credit and other advances by CFA members under credit agreements exceeding \$2 trillion annually.

2. By Motion, filed July 25, 2006 (Docket No. 31), CFA moved to file a Brief as Amicus Curiae in Support of Reversal on the Issue of "Insider" Status, which appeal is now before this Court from the Order entered on December 28, 2005 by the United States Bankruptcy Court in Bankruptcy Case No. 01-1430.

3. Subsequently, CFA, through its counsel, and counsel for the Chapter 7 Trustee engaged in discussions wherein it was agreed that CFA would withdraw its Motion to file a Brief as Amicus Curiae in Support of Reversal on the Issue of "Insider" Status.

4. Accordingly, CFA now hereby submits its Motion to Withdraw its Motion to File a Brief as Amicus Curiae in Support of Reversal on the Issue of "Insider" Status. Such withdrawal is without prejudice to CFA filing a subsequent Brief as Amicus Curiae in the United States Court of Appeals for the Third Circuit in this matter.

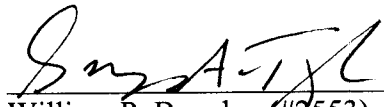
5. Notice of this Motion to Withdraw has been given to all parties to this appeal.

WHEREFORE, for the foregoing reasons, CFA requests entry of an Order substantially in the form attached hereto granting its Motion to Withdraw and for such additional relief as the Court deems appropriate.

(rest of page intentionally left blank)

Dated: August 11, 2006

The Commercial Finance Association

By: 
William P. Bowden (#2553)
Gregory A. Taylor (#4008)
ASHBY & GEDDES, P.A.
222 Delaware Avenue, 17th Floor
P.O. Box 1150
Wilmington, Delaware 19899
(302) 654-1888

Richard M. Kohn, Esq.
Gerald F. Munitz, Esq.
GOLDBERG, KOHN, BELL,
BLACK, ROSENBLOOM &
MORITZ, LTD.
55 East Monroe Street, Suite 3700
Chicago, Illinois 60603
(312) 201-4000

Jonathan N. Helfat, Esq.
OTTERBOURG, STEINDLER,
HOUSTON & ROSEN, P.C.
230 Park Avenue
New York, New York 10169
(212) 661-9100

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 7
)	
Winstar Communications, Inc., <i>et al.</i> ,)	Bankr. Case No. 01-01430 (KJC)
)	
Debtor.)	
_____)	
)	
Christine C. Shubert,)	Civil Action No. 06-147 (JJF)
Chapter 7 Trustee,)	
)	Adv. Proc. No. 01-01063 (KJC)
Plaintiff-Appellee,)	
)	
v.)	
)	
Lucent Technologies Inc.,)	
)	
Defendant-Appellant.)	

**ORDER WITHDRAWING THE MOTION OF THE COMMERCIAL FINANCE
ASSOCIATION TO FILE A BRIEF AS AMICUS CURIAE**

Having considered the Motion of the Commercial Finance Association (“CFA”) to withdraw (the “Motion to Withdraw”) its motion to file a brief as amicus curiae (Docket No. 31), notice of the filing of the Motion to Withdraw having been given to all parties hereto, and the Court having concluded that the requested relief should be granted,

IT IS HEREBY ORDERED THAT:

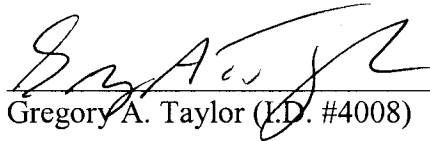
1. The Motion to Withdraw is granted, and further
2. The CFA’s Motion to File a Brief as Amicus Curiae in Support of Reversal on the Issue of “Insider” is hereby withdrawn.

Dated: August _____, 2006

United States District Court Judge

CERTIFICATE OF SERVICE

I, Gregory A. Taylor, hereby certify that on the 11th day of August 2006, I caused a true and correct copy of *Motion of the Commercial Finance Association to Withdraw its Motion to File a Brief as Amicus Curiae* to be served upon the below listed counsel by U.S. Mail, postage pre-paid, or in the manner so indicated:


Gregory A. Taylor (L.D. #4008)

120926v1

HAND DELIVERY

Sheldon Kevin Rennie, Esq.
Fox Rothschild LLP
919 North Market Street
Suite 1300
Wilmington, DE 19899-2323

HAND DELIVERY

Paul N. Heath, Esq.
Jason M. Madron, Esq.
Richards, Layton & Finger
One Rodney Square
Wilmington, DE 19899

HAND DELIVERY

Office of the United States
Trustee
844 King Street, Suite 2313
Lockbox 35
Wilmington, DE 19801-
2313

U.S. MAIL

Lillian Grossbard, Esq.
Cravath Swain & Moore
825 8th Avenue, Room #3906W
New York, NY 10019

U.S. MAIL

Craig Goldblatt, Esq.
Wilmer Cutler Pickering Hale
& Dorr, LLP
2445 M. Street, NW
Washington, DC 20037

U.S. MAIL

Stephen M. Rathkopf, Esq.
David R. King, Esq.
Herrick Feinstein LLP
2 Park Avenue
New York, NY 10016-9301